

THE COURTS.

COURT OF APPEALS.

**Important Question as to the Mode of Execution.**—Before Chief Justice Davies and a full bench. *Ex parte A. Williams, Appellant, vs. State of New York, Respondent.*—This was an appeal from a decision of the Supreme Court, affirming that the Surrogate of Queens county, admitting to probate an instrument purporting to be the will of Samuel Mott, who died May 18, 1864.

At the foot of the will was an attestation clause signed by Andrew J. Hegeman, Adam Mott and Joseph G. Hegeman. [Andrew J. Hegeman died January 5, 1863, and the two witnesses who were present and examined to prove the will were Adam Mott and Joseph G. Hegeman. Adam Mott stated that he signed as a witness "about the time" the will was made, and the other witness signed in October, 1862, nearly two years after the date of the will. The case presents the question whether on probate of a will it is competent to prove, by two witnesses, the fact that when the will was executed it had been actually subscribed by the testator at the end thereof.]

R. B. Sullivan, counsel for the appellant, contended that the will was not executed and published in accordance with the statute, there being no valid proof of compliance with the law. The appellant contended that the will was not executed and published in accordance with the statute, there being no valid proof of compliance with the law. The appellant contended that the will was not executed and published in accordance with the statute, there being no valid proof of compliance with the law.

On behalf of the respondent it was argued by J. H. Ashton, senior counsel, that the will was executed and published in accordance with the statute, there being no valid proof of compliance with the law. The respondent contended that the will was not executed and published in accordance with the statute, there being no valid proof of compliance with the law.

**Important Question in Relation to Claims Against Insured Insurance Companies.**—*George A. Ogo and Another, vs. Western of Columbia Insurance Company, Appellants, vs. Wm. De Groot et al., Respondents.*—On the 3d of March, 1865, the Columbia Insurance Company insured the defendants on the bark *Heureux*, giving a premium note for \$3,010 at one year. The note became due in March, 1866.

In November, 1866, the defendants reported a loss of \$2,825, and on the 20th of March, 1866, gave the receivers notice of proof of claim. By the policy losses are not payable until sixty days after proof of claim, consequently in this case not until the 20th of May. The company having become insolvent prior to this time, receivers were appointed, in place of whom the plaintiff was substituted before the note became due and before proof of loss. On the notes before the receivers said the defendants claim, but set off the value of the property insured.

The receivers contend that the plaintiffs claim did not accrue until the insolvency of the company, and after the note became due, and that it cannot be set off, but must go in with other creditors and share pro rata. The defendants hold that their claim was existing and enforceable at the instant of the loss, and then became set off, and by the terms of the policy interest was allowed, and with loss from that day, by way of set off, and that, therefore, the claim and the note having come together into the hands of the company, the set off was one against the other. Case still on. D. & D. Field for appellants, Mr. Chouteau for respondents.

UNITED STATES COMMISSIONER'S COURT.

Alleged Cruel and Unusual Punishment.

Before Commissioner Osborn. A man with one arm, being appeared before Commissioner Osborn yesterday, and made a statement to the effect that he had been cruelly beaten on board a vessel. The Commissioner, after having heard the statement, said the man ought to go to a lawyer and lodge a complaint. The applicant replied that he had been to a lawyer named Fay, who told him to come and make the complaint. He was now ready to do so if the Commissioner would order the man to be taken to the hospital, where he could be treated for his wounds.

Alleged Counterfeiting.

A woman named Kate Gross, who had been charged with circulating a counterfeit \$100 bill, was brought into court on this occasion. Ex-Judge Stuart appeared as her counsel and requested that the Commissioner would take her for her appearance before the Commissioner, and would speak on the matter to Colonel Wood, who was in possession of all the facts of this affair, and probably had been taken next day.

SUPREME COURT.

**Wall Street Operators in Trouble.**—Arrest of Daniel Drew and Fisk & Belden, Brokers. The Mysteries of Wall Street to be Expounded. Before Judge R. D. Smith.

Joseph B. Stewart, ex-Daniel Drew, James Fisk, Jr., William Belden and Others.—Joseph B. Stewart, the plaintiff in this action, is alleged to be a judgment creditor of Leonard Stewart, late President of the Merchants' National Bank of Washington, for a large amount of capital put by said Stewart into an Erie Railroad stock operation, through Fisk & Belden, to be operated by Daniel Drew, which alleged had never been accounted for. The complaint, which is a lengthy document, sets forth a strong case against the defendants, and the plaintiff demands judgment against them in the sum of \$200,000 for alleged wrongdoings.

The investigation of this case will expose many of the sharp practices of stock operators and the perils attendant on dealing in stocks to be managed by others.

COMMON PLEAS—PART 2.

The Board of Directors Case. The Hearing Discontinued.

Before Judge Brady, with a jury. *Phonograph vs. Joseph Rogers.*—The hearing in this case, which has already been published in the Herald, was resumed yesterday, the counsel for the defense proceeding with the cross-examination of Mr. Smith, the mother of the plaintiff. After a few questions being put to the witness by defendant's counsel, eliciting, however, no facts of material importance, the latter then showed signs of becoming impatient, and the defense to which the court immediately objected, and requested information as to what was intended to be proved by such cross-examination. The defense then proposed to prove that the whole case was a conspiracy between plaintiff and her counsel to injure the defendant, and for the use of the money of the defendant for the benefit of plaintiff herself, but for her counsel.

MAINE COURT—GENERAL TERM.

The court sat yesterday in General Term to hear arguments on appeals taken against decisions in Special Term. Judge Horu, Alker and Gross presided. None of the cases heard were of sufficient importance to justify a report.

COURT OF SPECIAL SESSIONS.

Before Justices Dowling and Kelly. There were forty-two cases on the calendar for trial in this court yesterday, of which fifteen were charged with larceny, thirteen assault and battery, four cruelty to animals, three violation of the Health law, two violation of the Police law, one embezzlement, one violation of the School law, and one for petit larceny, suspended from last sitting.

CRIMINAL TO ANIMALS.

*Ex parte John Smith.*—The evidence went to show that he kept a stable in the rear of No. 321 West Thirty-third street, measuring 24 feet by 30, fully ventilated and dry, in which were confined, under cover, two in each stall, only five feet wide and many of the animals were not allowed exercise or let into the open air for terms varying from one to three months. The feed also was said to be of a very poor nature and unfit to give proper nourishment.

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Joseph Thompson, charged with overloading a horse, which at the time was suffering from sore on the side, was fined \$10.

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THE ALLEGED MURDER.—THE ACCUSED HONORARY DISCHARGE.

**THE ALLEGED MURDER.—THE ACCUSED HONORARY DISCHARGE.**—The examination of Patrick Cavanaugh, who was charged with having struck a boy named William Thompson on Monday, the 18th inst., from the effect of which, it is alleged, Thompson died on Sunday last, took place before Justice Corwell yesterday, and the accused was honorably discharged. Mrs. Thompson, the mother of the deceased, testified that her son returned home on the evening of Monday, the 18th inst., much more comatose than when he went to bed, and that on Wednesday morning he died in his incoherent ravings, and that Cavanaugh had struck him on the head with a brickbat, and that he had been in the house for some time before he died.

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Ill-treatment of a Slave.

Before Commissioner Newton and Jones. *United States vs. William McCarty.*—The defendant in this case was charged with violating the Revenue law by carrying on the distilling business without having paid the special tax. Deputy Collector Tobey, of the Second district, testified to seizing defendant's still, which was in the cellar of a house located on Bergen street, between Carlton and Vanderbilt avenues, on the 25th of February. There were evidences that the still was being used for distilling. The still was just being raked out, and a liquid (spirits) was dripping from the tail of the worm. Witness further testified that no person was in the house on the day of the seizure. Being a distiller at the place in question. The hearing was then adjourned by Commissioner Newton until April 8.

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